

## REMARKS

Claim 24 has been amended. No new matter has been added.

Claims 13 to 24 are now pending. Applicants respectfully request reconsideration of the present application in view of this response.

### **35 U.S.C. § 103(a)**

Claims 13 to 20, 23, and 24 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent Publication No. 2003/0133407A1 to Segev (“Segev reference”) in view of International Patent Publication No. WO 97/22054 to Jensen et al. (“Jensen reference”) and further in view of U.S. Patent No. 6,175,552 to Parry et al. (“Parry reference”).

The Segev reference purportedly concerns a series of steps to support a changing volume of a voice-grade traffic in an access network having a local exchange with a limited capacity. The Segev reference recites that the first step is to provide two or more access networks such that each having its subscribers and its associated local exchange with a limited capacity; each of the access networks is capable of dividing traffic, outgoing from its subscribers, into the voice-grade traffic portion and data traffic portion, and capable of directing the data traffic portion to a packet network while directing the voice-grade traffic portion to a PSTN network via the associated local exchange. The Segev reference further recites that “there should be *defined* an overload condition of a local exchange as a condition when traffic there-through equals to a predetermined threshold, and a normal load condition of the local exchange when traffic there-through is below the predetermined threshold.” The Segev reference then refers to detecting the overload condition on one local exchange, finding a remaining one of the local exchanges being in the normal load condition, and then partially diverting the voice-grade traffic intended for the local exchange and passing the diverted voice-grade traffic to its destination via the packet network and the local exchange, thereby reducing volume of the voice-grade traffic.

The Jensen reference purportedly concerns automatically recovering from multiple permanent failures of processors in a distributed processor system such as a software driven telecommunication system. The Jensen reference recites having a creation of an initial configuration describing each processor and software objects executing thereon, and, for each processor the *creation of a catastrophe plan to be followed* if the processor has a failure. Such a *catastrophe plan contains information as how to redistribute the software objects* executing on the faulty processor to operating processor of the processor system. Thus, according to the Jensen reference, if a processor goes down, its software objects are transferred to operating processors following the catastrophe plan for the faulty processor.

The Parry reference appears directed to maintenance of service in the event of a catastrophic failure of a switch, and recites a synchronous telecommunications network having a number of rings each incorporating a plurality of multiplexers and each coupled to a switch via a respective master multiplexer. According to the Parry reference, each ring incorporates a dormant master multiplexer coupled to the disaster recovery point and is activated in response to a failure of the switch as a replacement master multiplexer to reroute traffic on the synchronous ring to the remote switch. The Parry reference refers to a disaster recovery interface point which provides an interface to one or more remote switches.

*Applicants note* that the Parry reference has been put forward singly in the Office Action to demonstrate a teaching or knowing of intermittent transmissions and increasing the switching capacity. Instead, Fig. 4 and accompanying text refers to switching; but that switching and method for same (including threshold for switching) appears to be different from that as claimed in the present invention in which, for example, claim 13, is directed to a method for at least one of *operating and organizing* at least one telecommunication network and requires providing software for at least one of organizing and implementing at least one of a switching of telecommunication connections and services running in a central server of the at least one telecommunication network, *in the event of insufficient switching capacity* of the network-internal switching centers, *at least one of at least transmitting intermittently software to at least one additional server of at least one additional selectable telecommunication network and activating software therein at least intermittently in order to increase the switching capacity*, wherein the event of insufficient switching capacity is observed with respect to at least one of time and duration. Neither the Segev nor the Jensen nor Parry references, and thus *nor the combination* of such references (the combining of which is futile since some teach away from the methods of others), teach or suggest a method in which software for organizing and/or implementing switching and/or services as claimed is transmitted intermittently to an additional server of an additional selected telecommunication network or in which software existing in such server is activated at least intermittently in order to increase the switching capacity, where the capacity was based on at least one of time and duration. Accordingly, claim 13 as amended is believed allowable and withdrawal of the rejection is respectfully requested.

Claims 14 to 20 and 23 depend from amended claim 13 and are allowable for at least the same reasons. Claim 24 recites features analogous to those of claim 13 and is allowable for essentially the same reasons. Withdrawal of the rejection of those claims is respectfully requested.

Claim 20 was rejected under 35 U.S.C. § 103(a) as unpatentable over the Segev reference, the Jensen reference, and the Parry reference, in view of U.S. Patent Publication No. 2004/0010588 to Slater et al. (“Slater reference”). Claim 20 depends from claim 13, and is allowable over the Segev and Jensen references for the same reasons. The Slater reference does not cure the deficiencies of the Segev, Jensen, and Parry references. The Slater reference appears to concern a method of “serving out video over a network of video servers includes evaluating a capacity of the network as a whole to serve out specific video items by establishing, for each video server in the network, an established ability of each server to serve out the specific items that are potentially servable from each video server.” While the Slater reference generally concerns evaluating a capacity of a network to serve out specific video items, it does not teach or describe the missing claim features, not covered by the Segev, Jensen, and Parry references. Accordingly, withdrawal of the rejection of claim 20 is respectfully requested.

Claim 21 was rejected under 35 U.S.C. § 103(a) as unpatentable over the Segev reference, the Jensen reference, and the Parry reference, in view of U.S. Patent No. 6,885,874 to Grube (“Grube reference”). Claim 21 depends from claim 13, and is allowable over the Segev and Jensen references for the same reasons. The Grube reference does not cure the deficiencies of the Segev, Jensen, and Parry references, and instead concerns “itself with sharing location and route information between communication units that are subscribed to a group location sharing service.” Accordingly, withdrawal of the rejection of claim 21 is respectfully requested.

Claim 22 was rejected under 35 U.S.C. § 103(a) as unpatentable over the Segev reference, the Jensen reference, and the Parry reference, in view of U.S. Patent No. 6,128,738 to Doyle et al. (“Doyle reference”). Claim 22 depends from claim 13, and is allowable over the proposed combination of Segev reference, the Jensen reference, and the Parry reference, for the same reasons as claim 13. The Doyle reference does not cure the deficiencies of the Segev and Slater references, and appears to concern enabling the use of a single client certificate to be used in SNA communications to ensure security such that the certificate cannot be intercepted and reused yet still allowing the use of a single certificate for multiple applications. Accordingly, Applicants respectfully submit that claim 13 is allowable over the combination of the Segev, Jensen, Parry, and Doyle references, and request that the rejection of claim 22 be withdrawn.

Accordingly, it is respectfully submitted that the cited references, taken alone or in combination, do not render obvious all of the features of claims 13 to 24. Applicants respectfully believe that claims 13 to 24, as amended above, should be allowed.

### CONCLUSION

In view of the foregoing amendment and remarks, it is believed that rejections of the claims under 35 U.S.C. §103(a) have been obviated, and that all pending claims 13 to 24 are allowable. It is therefore respectfully requested that the rejections be withdrawn, and that the present application issue as early as possible.

Respectfully submitted,

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